



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BUREAU OF OIL AND GAS MANAGEMENT

July 11, 2011

[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]:

The Department of Environmental Protection (DEP) is currently investigating the connection between elevated levels of bromide found in waters of the Commonwealth of Pennsylvania and natural gas wastewater disposal practices. Bromides, found in wastewater from Marcellus Shale gas extraction activities, as well as other possible sources, form potentially unsafe compounds called "Total Trihalomethanes" when combined with chlorine used for disinfection at water treatment facilities.

On April 19, 2011, DEP called on all Marcellus well operators to cease disposal of wastewater at publicly owned treatment works (POTW) and industrial waste treatment facilities by May 19, 2011. Currently, POTWs and industrial waste treatment facilities are exempt from the total dissolved solids (TDS) treatment requirements set forth in 25 Pa. Code, Chapter 95. DEP believes that if well operators follow this call, bromide concentrations will quickly and significantly decrease.

In order to comply with DEP's call to cease the use of exempt facilities, all Marcellus well operators should have completed a comprehensive review of their control and disposal plans and updated these plans to eliminate the use of these facilities. DEP now requests that well operators certify that they are not disposing of flowback water and produced water from shale gas extraction activities at these exempt facilities.

Under 25 Pa. Code § 78.55(a), a well operator is required to prepare and implement a control and disposal plan for wastes, including natural gas wastewater. A well operator's plan must also identify the control and disposal methods of the natural gas wastewater (25 Pa. Code § 78.55(b)). This plan must be revised prior to implementing any changes to the practices identified in the plan pursuant to 25 Pa. Code § 78.55(c). Additionally, your natural gas well permit is conditioned on implementing a control and disposal plan that identifies the processing or disposal facilities where residual waste will be processed or disposed.

Pursuant to 25 Pa. Code § 78.55(d), an operator must provide a copy of its control and disposal plan to DEP upon request, including the identification of the disposal facilities where residual wastes will be disposed. Moreover, DEP is authorized to compel the production of records, documents, or other writings necessary or proper in, and pertinent to, an investigation (58 P.S. § 601.508(c)).

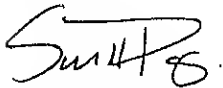
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Accordingly, although DEP may require submission of the control and disposal plan at a later date, DEP is only requesting that you complete and return the enclosed certification by August 12, 2011. The certification should be directed to my attention and returned to the address set forth in this letter.

If you have any questions regarding this important matter, please contact me at 717.772.2199.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Perry".

Scott Perry
Director
Bureau of Oil and Gas Management

Return to:
Scott Perry
Department of Environmental Protection
P.O. Box 8765
Harrisburg, PA 17105-8765

Enclosure

I am an authorized representative of _____ (permittee).
Our company has completed a comprehensive review of its current disposal practices relative to the disposal of flowback and produced water from shale gas extraction activities in Pennsylvania and surrounding states.

I do hereby certify under penalty of law that _____ (permittee) or any related entity, is not delivering or authorizing the delivery of flowback water and produced water from shale gas extraction to facilities that have accepted it under the special provisions of the Commonwealth of Pennsylvania's Total Dissolved Solids (TDS) regulations that exempt these facilities from the TDS treatment requirements. I am aware of our company's continuing duty to ensure that this certification remains current and valid at all times.

These facilities include:

Brockway Area Waste Water Treatment Plant
Clairton Municipal Authority Sewage Treatment Plant
Hart Resource Technologies Creekside Facility
City of Johnstown Dornick Point Waste Water Treatment Plant
Pennsylvania Brine in Franklin
McCutcheon Enterprises - Kiski Valley Water Pollution Control Plant
McKeesport Sewage Treatment Plant
Advanced Waste Services - New Castle Sanitation Authority and Sewage Treatment Plant
Punxsutawney Municipal Sewage Treatment Facility
Reynoldsville Sewer Authority
Ridgeway Borough Sewage Treatment Plain
Sunbury Generation Waste Water Treatment System
Tunnelton Liquids Facility
Waste Treatment Corporation in Warren

I understand and acknowledge that under Pennsylvania law there are significant penalties for submitting false information, including the possibility of fines or imprisonment.

_____ (Signature of Authorized Representative)

Name of Company: _____

Address: _____

City, State, Zipcode

OGO-66985

Phone: (____) ____ - ____

Date: _____